

REMARKS

By this amendment, the language of claim 10 has been amended to overcome the rejections based on indefiniteness.

In the Office Action of March 17, 2008, the Examiner rejected claims 1-3, 5-7, 10 and 11 as being obvious over U.S. 6,350,255 (von Dyck) in view of U.S. 5,266,928 (Johnson). The remaining pending claims were rejected over these two references and in further view of other teaching references. In making the rejection the Examiner stated that von Dyck discloses a pad and a plug removeably secured to the pad. The Examiner noted that von Dyck did not disclose an alarm with first through fourth conducters as claimed and relied upon Johnson for disclosing these features. The Examiner concluded that it would have been obvious to add the alarm and conductors to von Dyck in view of Johnson's teaching of the ability to alert a user. This rejection is respectfully traversed.

Von Dyck discloses a pad 58 receiving a lumen (plug) 14 as seen in Figure 1. Johnson discloses a wet diaper detector. The structure of the device disclosed by Johnson, for use to detect wetness in the diaper, is far afield from the structure of a pad and lumen for a continent ostomy port, as will be explained. Johnson discloses an absorbent strip 15 having a pair of conductors 18, 19. The conductors leads to a pair of contacts 24, 25, 33, 34 connected to an alarm. Upon wetting of the diaper, a resultant resistance drop between the conductors 18, 19 is detected and triggers the alarm. Upon changing the diaper, the used conductor strip is discarded along with the diaper and the detector band 23 carrying the alarm is reused.

There is no need to detect wetness within a lumen inserted within a stoma, and the use of a disposable strip having conductors is not possible with such a lumen. Anyone skilled in the art, after reviewing the disclosure of Johnson would not be

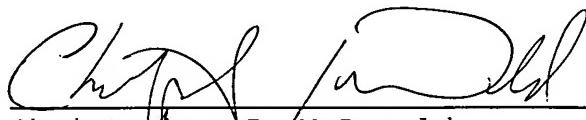
motivated to use the alarm with any other device than a diaper for the purposes of detecting when a diaper needs to be changed.

Even if the disclosure of Johnson is combined with von Dyck, the combination does not render the invention, as claimed, obvious. While Johnson uses a disposable strip having a pair of conductors, the conductors lead to a band having the alarm. There is no disclosure or suggestion of the first and second conductor extending from an aperture in a pad to an alarm and a third or fourth conductor on a plug, with the pairs of conductors meeting at an aperture. While the Examiner refers to claim 7 of Johnson, such a figure is a schematic drawing of the circuitry and has no bearing on the actual physical relationship between the parts making up the device of Johnson. Figure 7 cannot be relied upon for disclosing the actual physical relationship, such as orientation, between the parts of Johnson's device.

The teaching references relied upon by the Examiner do not cure the other deficiencies of von Dyck and Johnson. Applicant is the first to use an alarm on a continent plug and the prior art does not disclose the structure of the claimed alarm. It is respectfully requested that the rejection be withdrawn and the claims allowed.

If any fees are due and owing, the Commissioner is authorized to charge Deposit Account 08-2455.

Respectfully submitted,



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